

## **REMARKS**

By the above amendment in the accompanying RCE, independent claims 1, 5, 11, 21 and 25 have been amended to recite further features of the present invention which are not disclosed or taught in the cited art, as will become clear from the following discussion.

The rejection of claims 1 - 2, 4, 5, 6, 11, 12, 21 - 22, 25 - 26 under 35 USC 103(a) as being unpatentable over Maeda et al (5,774,222) in view of Worster et al (5,479,252) further in view of Shibata (JP 2001-55099) and Noguchi et al (JP 2001-05203A), such rejections are traversed insofar as they are applicable to the present claims and reconsideration and withdrawal of the rejections are respectfully requested.

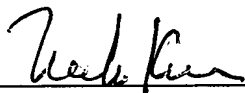
By the present amendment, the independent claims of this application have been amended to recite the features in relation to steps S72 - S75 of Fig. 6 of the drawings of this application. As described in the paragraph bridging pages 16 and 17 of the specification, images are evaluated so as to determine an inspection threshold  $[N_{max} + \alpha]$ , which is greater than a maximum contrast difference among false defects detected and with which a maximum number of true defects can be detected with the adjusted or set optical conditions, as more particularly indicated in steps S74 and S75, for example. Applicants submit that the aforementioned features have now been set forth in each of independent claims 1, 5, 11, 21 and 25, and irrespective of the contentions by the Examiner, applicants submit that none of the cited art disclose or teach the recited features concerning the inspection threshold in the sense of 35 USC 103. Accordingly, applicants submit that all claims

patentably distinguish over the cited art in the sense of 35 USC 103 and should be considered allowable thereover.

For the foregoing reasons, issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (520.40997X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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Melvin Kraus  
Registration No. 22,466  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/jla  
(703) 312-6600